

# Racial Profiling Report | Full

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Agency Name: UPSHUR CO. CONST. PCT. 1  
Reporting Date: 01/04/2023  
TCOLE Agency Number: 459101

Chief Administrator: TIMOTHY A. BARNETT

Agency Contact Information:  
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301 E. Butler  
GILMER, TX 75644

This Agency filed a full report

UPSHUR CO. CONST. PCT. 1 has adopted a detailed written policy on racial profiling. Our policy:

- 1) clearly defines acts constituting racial profiling;
- 2) strictly prohibits peace officers employed by the UPSHUR CO. CONST. PCT. 1 from engaging in racial profiling;
- 3) implements a process by which an individual may file a complaint with the UPSHUR CO. CONST. PCT. 1 if the individual believes that a peace officer employed by the UPSHUR CO. CONST. PCT. 1 has engaged in racial profiling with respect to the individual;
- 4) provides public education relating to the agency's complaint process;
- 5) requires appropriate corrective action to be taken against a peace officer employed by the UPSHUR CO. CONST. PCT. 1 who, after an investigation, is shown to have engaged in racial profiling in violation of the UPSHUR CO. CONST. PCT. 1 policy;
- 6) requires collection of information relating to motor vehicle stops in which a warning or citation is issued and to arrests made as a result of those stops, including information relating to:
  - a. the race or ethnicity of the individual detained;
  - b. whether a search was conducted and, if so, whether the individual detained consented to the search;
  - c. whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;
  - d. whether the peace officer used physical force that resulted in bodily injury during the stop;
  - e. the location of the stop;
  - f. the reason for the stop.
- 7) requires the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:
  - a. the Commission on Law Enforcement; and
  - b. the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

The UPSHUR CO. CONST. PCT. 1 has satisfied the statutory data audit requirements as prescribed in Article 2.133

(c), Code of Criminal Procedure during the reporting period.

Executed by: TIMOTHY A. BARNETT  
Constable

Date: 01/04/2023

Total stops: 56

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**Street address or approximate location of the stop**

City street	1
US highway	20
County road	6
State highway	28
Private property or other	1

**Was race or ethnicity known prior to stop?**

Yes	7
No	49

**Race / Ethnicity**

Alaska Native / American Indian	0
Asian / Pacific Islander	2
Black	10
White	33
Hispanic / Latino	11

**Gender**

<b>Female</b>	<b>17</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	1
Black	4
White	11
Hispanic / Latino	1
<b>Male</b>	<b>39</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	1
Black	6
White	22
Hispanic / Latino	10

**Reason for stop?**

<b>Violation of law</b>	<b>1</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	1

Hispanic / Latino	0
<b>Preexisting knowledge</b>	<b>1</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	1
<b>Moving traffic violation</b>	<b>47</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	2
Black	10
White	25
Hispanic / Latino	10
<b>Vehicle traffic violation</b>	<b>7</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	7
Hispanic / Latino	0
<b>Was a search conducted?</b>	
<b>Yes</b>	<b>4</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	2
Hispanic / Latino	1
<b>No</b>	<b>52</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	2
Black	9
White	31
Hispanic / Latino	10
<b>Reason for Search?</b>	
<b>Consent</b>	<b>2</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	2

Hispanic / Latino	0		
<b>Contraband</b>	<b>0</b>		
Alaska Native / American Indian	0		
Asian / Pacific Islander	0		
Black	0		
White	0		
Hispanic / Latino	0		
<b>Probable</b>	<b>1</b>		
Alaska Native / American Indian	0		
Asian / Pacific Islander	0		
Black	0		
White	0		
Hispanic / Latino	1		
<b>Inventory</b>	<b>0</b>		
Alaska Native / American Indian	0		
Asian / Pacific Islander	0		
Black	0		
White	0		
Hispanic / Latino	0		
<b>Incident to arrest</b>	<b>1</b>		
Alaska Native / American Indian	0		
Asian / Pacific Islander	0		
Black	1		
White	0		
Hispanic / Latino	0		
<b>Was Contraband discovered?</b>			
<b>Yes</b>	<b>2</b>		<b>Did the finding result in arrest?</b>
			(total should equal previous column)
Alaska Native / American Indian	0	Yes 0	No 0
Asian / Pacific Islander	0	Yes 0	No 0
Black	0	Yes 0	No 0
White	1	Yes 0	No 1
Hispanic / Latino	1	Yes 0	No 1
<b>No</b>	<b>2</b>		
Alaska Native / American Indian	0		
Asian / Pacific Islander	0		
Black	1		
White	1		
Hispanic / Latino	0		

**Description of contraband**

<b>Drugs</b>	<b>2</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	1
Hispanic / Latino	1
<b>Weapons</b>	<b>0</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
<b>Currency</b>	<b>0</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
<b>Alcohol</b>	<b>0</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
<b>Stolen property</b>	<b>0</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
<b>Other</b>	<b>0</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0

**Result of the stop**

<b>Verbal warning</b>	<b>1</b>
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Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	1
Hispanic / Latino	0
<b>Written warning</b>	<b>24</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	1
Black	4
White	16
Hispanic / Latino	3
<b>Citation</b>	<b>30</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	1
Black	5
White	16
Hispanic / Latino	8
<b>Written warning and arrest</b>	<b>1</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	0
Hispanic / Latino	0
<b>Citation and arrest</b>	<b>0</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
<b>Arrest</b>	<b>0</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
<b>Arrest based on</b>	
<b>Violation of Penal Code</b>	<b>1</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0

Black	1
White	0
Hispanic / Latino	0
<b>Violation of Traffic Law</b>	<b>0</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
<b>Violation of City Ordinance</b>	<b>0</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
<b>Outstanding Warrant</b>	<b>0</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0

**Was physical force resulting in bodily injury used during stop?**

<b>Yes</b>	<b>0</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
<b>Resulting in Bodily Injury To:</b>	
Suspect	0
Officer	0
Both	0
<b>No</b>	<b>56</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	2
Black	10
White	33
Hispanic / Latino	11



**Number of complaints of racial profiling**

Total	0
Resulted in disciplinary action	0
Did not result in disciplinary action	0

**Comparative Analysis**

Use TCOLE's auto generated analysis	<input checked="" type="checkbox"/>
Use Department's submitted analysis	<input type="checkbox"/>

**Optional Narrative**

N/A

Submitted electronically to the



The Texas Commission on Law Enforcement

# Racial Profiling Analysis Report

## UPSHUR CO. CONST. PCT. 1

01. Total Traffic Stops:	56	
02. Location of Stop:		
a. City Street	1	1.79%
b. US Highway	20	35.71%
c. County Road	6	10.71%
d. State Highway	28	50.00%
e. Private Property or Other	1	1.79%
03. Was Race known prior to Stop:		
a. NO	49	87.50%
b. YES	7	12.50%
04. Race or Ethnicity:		
a. Alaska/ Native American/ Indian	0	0.00%
b. Asian/ Pacific Islander	2	3.57%
c. Black	10	17.86%
d. White	33	58.93%
e. Hispanic/ Latino	11	19.64%
05. Gender:		
a. Female	17	30.36%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	1	1.79%
iii. Black	4	7.14%
iv. White	11	19.64%
v. Hispanic/ Latino	1	1.79%
b. Male	39	69.64%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	1	1.79%
iii. Black	6	10.71%
iv. White	22	39.29%
v. Hispanic/ Latino	10	17.86%
06. Reason for Stop:		
a. Violation of Law	1	1.79%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%

# Racial Profiling Analysis Report

iii. Black	0	0.00%
iv. White	1	100.00%
v. Hispanic/ Latino	0	0.00%
b. Pre-Existing Knowledge	1	1.79%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	0	0.00%
iv. White	0	0.00%
v. Hispanic/ Latino	1	100.00%
c. Moving Traffic Violation	47	83.93%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	2	4.26%
iii. Black	10	21.28%
iv. White	25	53.19%
v. Hispanic/ Latino	10	21.28%
d. Vehicle Traffic Violation	7	12.50%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	0	0.00%
iv. White	7	100.00%
v. Hispanic/ Latino	0	0.00%
<b>07. Was a Search Conducted:</b>		
a. NO	52	92.86%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	2	3.85%
iii. Black	9	17.31%
iv. White	31	59.62%
v. Hispanic/ Latino	10	19.23%
b. YES	4	7.14%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	1	25.00%
iv. White	2	50.00%
v. Hispanic/ Latino	1	25.00%
<b>08. Reason for Search:</b>		
a. Consent	2	3.57%

# Racial Profiling Analysis Report

i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	0	0.00%
iv. White	2	100.00%
v. Hispanic/ Latino	0	0.00%
b. Contraband in Plain View	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
c. Probable Cause	1	1.79%
ii. Alaska/ Native American/ Indian	0	0.00%
i. Asian/ Pacific Islander	0	0.00%
iii. Black	0	0.00%
iv. White	0	0.00%
v. Hispanic/ Latino	1	100.00%
d. Inventory	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
e. Incident to Arrest	1	1.79%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	1	100.00%
iv. White	0	0.00%
v. Hispanic/ Latino	0	0.00%
09. Was Contraband Discovered:		
YES	2	3.57%
i. Alaska/ Native American/ Indian	0	0.00%
Finding resulted in arrest - YES	0	
Finding resulted in arrest - NO	0	
ii. Asian/ Pacific Islander	0	0.00%
Finding resulted in arrest - YES	0	
Finding resulted in arrest - NO	0	
iii. Black	0	0.00%

# Racial Profiling Analysis Report

Finding resulted in arrest - YES	0	
Finding resulted in arrest - NO	0	
iv. White	1	50.00%
Finding resulted in arrest - YES	0	
Finding resulted in arrest - NO	1	
v. Hispanic/ Latino	1	50.00%
Finding resulted in arrest - YES	0	
Finding resulted in arrest - NO	1	
b. NO	2	3.57%
i. Alaska/ Native American/ Indian	0	0.00%
i. Asian/ Pacific Islander	0	0.00%
iii. Black	1	50.00%
iv. White	1	50.00%
v. Hispanic/ Latino	0	0.00%
10. Description of Contraband:		
a. Drugs	2	3.57%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	0	0.00%
iv. White	1	50.00%
v. Hispanic/ Latino	1	50.00%
b. Currency	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
c. Weapons	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
d. Alcohol	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	

# Racial Profiling Analysis Report

v. Hispanic/ Latino	0	
e. Stolen Property	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
f. Other	0	0.00%
i. Alaska/ Native American/ Indian	0	
i. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
11. Result of Stop:		
a. Verbal Warning	1	1.79%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	0	0.00%
iv. White	1	100.00%
v. Hispanic/ Latino	0	0.00%
b. Written Warning	24	42.86%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	1	4.17%
iii. Black	4	16.67%
iv. White	16	66.67%
v. Hispanic/ Latino	3	12.50%
c. Citation	30	53.57%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	1	3.33%
iii. Black	5	16.67%
iv. White	16	53.33%
v. Hispanic/ Latino	8	26.67%
d. Written Warning and Arrest	1	1.79%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	1	100.00%
iv. White	0	0.00%
v. Hispanic/ Latino	0	0.00%

# Racial Profiling Analysis Report

e. Citation and Arrest	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
f. Arrest	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
<b>12. Arrest Based On:</b>		
a. Violation of Penal Code	1	1.79%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	1	100.00%
iv. White	0	0.00%
v. Hispanic/ Latino	0	0.00%
b. Violation of Traffic Law	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
c. Violation of City Ordinance	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
d. Outstanding Warrant	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	

# Racial Profiling Analysis Report

## 13. Was Physical Force Used:

a. NO	56	100.00%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	2	3.57%
iii. Black	10	17.86%
iv. White	33	58.93%
v. Hispanic/ Latino	11	19.64%
b. YES	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
b 1. YES: Physical Force Resulting in Bodily Injury to Suspect	0	
b 2. YES: Physical Force Resulting in Bodily Injury to Officer	0	
b 3. YES: Physical Force Resulting in Bodily Injury to Both	0	

## 14. Total Number of Racial Profiling Complaints Received:

0

REPORT DATE COMPILED 01/04/2023